

**ALABAMA STATE BOARD OF SOCIAL WORK EXAMINERS
ADMINISTRATIVE CODE**

**CHAPTER 850-X-1
GENERAL PROVISIONS**

850-X-1-.01 Purpose. The Alabama State Board of Social Work Examiners was created to maintain the integrity of the social work profession and to protect the public against dangers arising from attempts of incompetent or unscrupulous persons to practice the profession of social work. This purpose is achieved through the establishment of minimum qualifications for licensure and certification in the profession of social work practice, through the adoption of rules defining and delineating unlawful conduct, and through swift and effective discipline for those practitioners who violate the applicable laws or rules promulgated hereunder.

Author: Robert M. Weinberg, Assistant Attorney General

Statutory Authority: Code of Ala. 1975, §34-30-57 (1991).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998.

850-X-1-.02 Policy Against Discrimination. It is the policy of the Board of Social Work Examiners that no person shall ever be excluded from licensure or certification, participation in, denied the benefits of, or subjected to discrimination under any program, activity, employment, or service administered by the Board, on the basis of race, color, creed, religion, national origin, sex, disability, or age.

Author: Robert M. Weinberg, Assistant Attorney General.

Statutory Authority: Code of Ala. 1975, §34-30-57 (1991).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998.

850-X-1-.03 Composition And Selection Of Board. The Board is composed of seven members appointed by the Governor from each of the United States Congressional Districts. Four members shall be licensed certified social workers; two members shall be licensed graduate social workers; one member shall be a licensed bachelor social worker. Board members serve three year terms and are limited to two consecutive terms.

Author: Robert M. Weinberg, Assistant Attorney General.

Statutory Authority: Code of Ala. 1975, §34-30-50(a) (1996 Supp.); §34-30-51 (1991).

History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998 (See Rule 850-X-1-.19).

850-X-1-.04 General Description Of Organization And Operation. The Board is an independent agency of the State of Alabama. All costs of operating the Board, including administrative, secretarial, clerical, investigative and legal, are paid by fees collected by the Board. The Attorney General and his/her assistants provide legal services to the Board. The Board may utilize the assistance of licensed social workers as voluntary advisory panel members to assist the Board in complying with these rules.

Author: Robert M. Weinberg, Assistant Attorney General

Statutory Authority: Code of Ala. 1975, §41-22-4(a)(1) (1991).

History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998 (See Rule 850-X-1-.19).

850-X-1-.05 Officers.

(1) Election. The Board annually elects the following officers: chairman, vice chairman and secretary.

(2) Compensation and expenses. Board members shall be compensated on a per diem basis, not to exceed the current per diem allowed for state employees, for days actually spent in performance of their duties.

Author: Robert M. Weinberg, Assistant Attorney General

Statutory Authority: Code of Ala. 1975, §34-30-54 (1991).

History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective date January 1, 1998 (See Rule 850-X-1-.19).

850-X-1-.06 Employment Of Personnel. The Board may employ investigators, attorneys and any other agents and employees and assistants as may from time to time be necessary to bring about and maintain a rigid administration and enforcement of Alabama law regulating the practice of social work.

Author: Robert M. Weinberg, Assistant Attorney General

Statutory Authority: Code of Ala. 1975, §41-22-4(a)(1) (1991); §41-22-6 (1996 Supp.).

History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective date January 1, 1998 (See Rule 850-X-1-.19).

850-X-1-.07 Executive Director. The Board shall employ an executive director who shall be responsible for the administration and execution of Board policy. The executive director is designated as agent for the Board for service of

legal process upon the Board. All correspondence to the Board, including requests for information and all submissions and other requests should be made to the executive director at the Board's headquarters as follows:

Executive Director
Alabama State Board of Social Work Examiners
RSA Union Building
100 No. Union Street, Suite 736
Montgomery, Alabama 36130-1620

Author: Robert M. Weinberg, Assistant Attorney General

Statutory Authority: Code of Ala. 1975, §41-22-4(a)(1) (1991); §41-22-6 (1996 Supp.).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998 (See Rule 850-X-1-.19).

850-X-1-.08 Rules Of Order. All proceedings of the Board shall be governed by Robert's Rules of Order, latest revised edition, except during disciplinary hearings and except where otherwise provided in these rules.

Author: Robert M. Weinberg, Assistant Attorney General

Statutory Authority: Code of Ala. 1975, §41-22-4(a)(2) (1991).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998.

850-X-1-.09 Order Of Business. The normal order of business for a meeting shall be as follows unless otherwise amended by a majority vote of the Board present at the meeting:

- (1) Call to order.
- (2) Verification by the executive director that a quorum of members is present.
- (3) Approval of minutes of last meeting.
- (4) Interview of applicants notified or requested to appear.
- (5) Consideration of applications for licensure or certification.
- (6) Hearings to be held - public and/or disciplinary.
- (7) Committee reports.

(8) Correspondence (communications).

(9) Unfinished business.

(10) New business.

(11) Open forum. Any person wishing to address the Board must make arrangements with the Board executive director at least ten (10) days in advance of the scheduled Board meeting requesting to be placed on the agenda and shall identify the topic or subject matter they intend to present. Unless otherwise modified by a majority of the Board present, presentations shall be limited in duration to no more than fifteen (15) minutes.

(12) Adjournment.

Author: Robert M. Weinberg, Assistant Attorney General

Statutory Authority: Code of Ala. 1975, §41-22-4(a)(2) (1991).

History: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998 (See Rule 850-X-1-.19).

850-X-1-.10 **Quorum.** A quorum of the Board shall consist of four members of the Board, except in the case of final decisions incident to disciplinary proceedings in which case a quorum shall consist of five members of the Board.

Author: Robert M. Weinberg, Assistant Attorney General

Statutory Authority: Code of Ala. 1975, §§34-30-5; 34-30-56 (1991).

History: New Rule: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998 (See Rule 850-X-1-.19).

850-X-1-.11 **Meetings.**

(1) The Board shall hold at least two regular meetings each calendar year in Montgomery to conduct its business. Special meetings may be called as necessary by the chairman or may be called upon the written request of a quorum of the Board and may be held at any place agreed upon by a quorum of the Board.

(2) Each member of the Board shall be given five business days notice of the time, place, and purpose of any special meeting by the executive director, unless such notice is waived by the individual member or unless such member is present at the called meeting.

(3) Failure of any Board member to attend any three consecutive regular meetings shall be considered cause for removal as provided in Code of Ala. 1975, §34-30-55 (1991).
Author: Robert M. Weinberg, Assistant Attorney General
Statutory Authority: Code of Ala. 1975, §34-30-56 (1991).
History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998 (See Rule 850-X-1-.19).

850-X-1-.12 Voting. All members of the Board, including the chairman, are entitled to vote and to make or second motions. A majority of those members of the Board present and voting on any matter shall decide that matter before the Board, except on procedural and evidentiary matters which are provided for elsewhere in the Rules. The chairman shall vote as a member of the Board.

Author: Robert M. Weinberg, Assistant Attorney General
Statutory Authority: Code of Ala. 1975, §41-22-4(a)(2) (1991).
History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998 (See Rule 850-X-1-.19).

850-X-1-.13 Use Of Forms. All applications and requests for which the Board has prescribed a form must be made on the prescribed form. Copies of forms in use and instructions for their completion are available from the executive director.

Author: Robert M. Weinberg, Assistant Attorney General
Statutory Authority: Code of Ala. 1975, §§41-22-4(a)(1), (2) (1991).
History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998 (See Rule 850-X-1-.19).

850-X-1-.14 Records.

(1) "Public record" for the purpose of these rules means all Board records which are reasonably necessary to record the business and activities required to be done or carried on by the Board so that the status and condition of such business and activities can be known to the public. Records which do not constitute "public records" include, but are not limited to, those received by a public officer in confidence, sensitive personnel records, applications for licensure or certification, complaints against licensees or applicants, patient or client records, and records the disclosure of which would be detrimental to the best interests of the public.

(2) Specific public records are available for inspection at Board headquarters during regular business hours.

(3) Any person wishing to obtain copies of specific public records may request same from the executive director, and will be supplied copies upon payment of the cost of copying, handling and postage, which costs will be estimated and set from time to time by resolution of the Board.

Author: Robert M. Weinberg, Assistant Attorney General

Statutory Authority: Code of Ala. 1975, §31-22-4(a) (1991).

History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998 (See Rule 850-X-1-.19).

850-X-1-.15 **Registry.** The Board shall, no less than annually, compile and publish a registry of the names and addresses of all persons licensed and certified to practice social work in Alabama. Copies of the registry shall be made available to the public upon request and upon payment of a fee necessary to cover the administrative costs of publication to be set from time to time by resolution of the Board.

Author: Robert M. Weinberg, Assistant Attorney General

Statutory Authority: Code of Ala. 1975, §34-30-57(3) (1991).

History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998 (See Rule 850-X-1-.19).

850-X-1-.16 **Declaratory Rulings.**

(1) The Board may issue declaratory rulings to any person substantially affected by a rule with respect to the validity of the rule, or with respect to the applicability to any person, property, or state of facts of any rule or statute enforceable by the Board, or with respect to the meaning and scope of any order of the Board. Such rulings shall be issued provided:

(a) The petitioner shows that he/she is substantially affected by the rule in question;

(b) Sufficient facts are supplied in the request to permit the Board to make a valid determination; and

(c) The request arises from an actual question or controversy.

(2) A petition for a declaratory ruling shall contain the following minimum information:

(a) A title reflecting that the petition seeks a declaratory ruling on a rule or rules.

(b) The petitioner's name, address and telephone number.

(c) A statement identifying all rules or statutes that may be involved in the petition, if known.

(d) A clear and concise statement of the precise factual situation involved.

(e) The exact question to which an answer is required.

(f) The reason for submitting the petition.

(g) Full disclosure of the petitioner's interest.

(h) A statement as to whether the petitioner's case or question presented is presently under consideration by the Board or by any judicial or quasi-judicial body in any pending proceedings, and, if so, where.

(I) A certification and signature of petitioner before a notary public or other person authorized by law to administer oaths that the information contained in the petition is true and correct to the best of petitioner's information and belief, and that the petition has not been filed for any improper purposes, or for delay or harassment.

(3) Failure or refusal to completely disclose or provide the minimum information required by these rules shall be grounds for dismissal of the petition.

(4) Declaratory rulings shall not issue with respect to generalized grievances or matters that are currently pending before the Board or any judicial or quasi-judicial body in any proceeding, contested case or litigation, nor may be utilized as a means of collateral attack on or appellate review of any final decision of the Board, or any judicial or quasi-judicial body.

(5) Such rulings will be made in accordance with the Alabama Administrative Procedure Act, Code of Ala. 1975, §41-22-11 (1991).

Author: Robert M. Weinberg, Assistant Attorney General

Statutory Authority: Code of Ala. 1975, §41-22-11 (1991).

History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998 (See Rule 850-X-1-.19).

850-X-1-.17 Petitions For Adoption, Repeal, Or Change Of Rule.

(1) Any person may petition the Board for the adoption of a new rule or for the repeal or change of any existing rule.

(2) Action by the Board on any such petition shall be as provided in ALA. CODE § 41-22-8 (1991).

(3) In order to be considered, a petition for a rule change shall be in writing and contain the following minimum information:

(a) A title reflecting that the petition seeks the adoption of a new rule, or the modification or repeal of an existing rule or rules.

(b) The petitioner's name, address, and telephone number.

(c) A statement identifying all rules or statutes that may be involved should the relief sought in the petition be granted in whole or in part.

(d) A clear and concise statement or narrative as to why the new rule, or modification or repeal of an existing rule is needed, specifying:

1. the persons or class of persons it would affect and how it would affect them;

2. the benefits and disadvantages of the proposed rule, modification or repeal;

3. the estimated cost or cost savings to the Board or the public;

4. any other reasons why the rule, modification, or repeal should be accepted by the Board;

5. the legal authority for the proposed rule, modification or change;

6. the names and complete addresses of any persons, firms, organizations, and the identity of any class of persons known to the petitioner who would be or could be adversely affected by the proposed rule, modification or repeal.

(e) The reason for submitting the petition, if not apparent from the face of the petition.

(f) Full disclosure of the petitioner's interest.

(g) A statement as to whether the issues presented by the petition are presently under consideration by the Alabama State Board of Social Work Examiners or by any judicial or quasi-judicial body in any pending proceedings, and, if so where.

(h) A certification and signature of Petitioner before a notary public or other person authorized by law to administer oaths that the information contained in the petition is true and correct to the best of petitioner's information and belief, and that the petition has not been filed for any improper purposes, or for delay or harassment.

Author: Robert M. Weinberg, Assistant Attorney General

Statutory Authority: Code of Ala. 1975, §41-22-8 (1991).

History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998 (See Rule 850-X-1-.19).

850-X-1-.18 Severability. If any of the rules and regulations of the Board which shall be known as the Alabama State Board of Social Work Examiners Administrative Code, or any sentence, paragraph, phrase or word thereof is construed by the courts to be invalid for any reason, it is the intention of the Board that the remainder shall continue in full force and effect; that is, it is the intention of the Board that each rule and/or any portion thereof, is severable.

Author: Robert M. Weinberg, Assistant Attorney General

Statutory Authority: Code of Ala. 1975, §41-22-8 (1991).

History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998 (See Rule 850-X-1-.19).

850-X-1-.19 **Effective Date.** These rules shall take effect on January 1, 1998 and shall govern the conduct of all persons licensed by the Board. The rules govern all proceedings in actions brought before the Board after they take effect and also all further proceedings in actions then pending, except to the extent that in the opinion of the Board their application in a particular action pending when the rules take effect would not be feasible or would work injustice, in which event the former rule or procedure applies.

Author: Robert M. Weinberg, Assistant Attorney General

Statutory Authority: Code of Ala. 1975, §41-22-4(a)(2) (1991).

History: Repealed and Replaced: Filed: October 31, 1997;
Operative December 5, 1997; effective January 1, 1998 (See Rule 850-X-1-.19).